

Applicant(s) : Shibo JIANG and Asim Kumar DEBNATH
U.S. Serial No.: 10/706,027
Filed : November 12, 2003
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REMARKS

In the Office Action of July 5, 2006, the Examiner has withdrawn further consideration of claims 1 and 2. The Examiner has rejected claims 3 to 6, 22, 24, 28 and 30 under 35 U.S.C. 112, second paragraph, and claims 3, 6 to 25, 27 and 28 under 35 U.S.C. 102(b). Moreover, the Examiner has objected to claims 26 and 29 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

By this amendment, Applicants have canceled claims 1 to 30, without prejudice to Applicants' rights to pursue the canceled subject matter in future continuation or divisional applications. Applicants note that claims 31 to 38 were previously canceled, also without prejudice to Applicants' rights to pursue the canceled subject matter in future applications, as part of a preliminary amendment communicated to the United States Patent and Trademark Office on November 12, 2003. Applicants have added new claims 39 to 68. Applicants further maintain that there is no issue of new matter. Accordingly, Applicants respectfully request the Examiner to enter the amendments. Upon entry, claims 39 to 68 are pending and under examination.

In response, Applicants' new claims 39 to 57 provide for an antiviral pharmaceutical composition comprising an effective amount of a compound of the formula I. Formula I, which is defined in claim 39 and elaborated in subsequent claims, includes compounds listed in Table 1 on pages 7 and 8 of the specification, and other novel compounds. None of the cited references, either alone or in combination, has taught or predicted that any of these compounds

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would possess antiviral activities. Therefore, claims 39 to 57 definitively claim the subject matter of this invention which is not anticipated by any of the cited references.

New claim 58, which provides for the pharmaceutical composition of claim 39 for treating human immunodeficiency virus (HIV) infection, corresponds to canceled claim 29 which the Examiner objected to only because it was dependent upon a rejected base claim. See Page 5 of the Office Action. As discussed hereinabove, this ground of objection is no longer applicable to claim 58.

Claims 59 to 64 are methods of using a compound of the formula I, pursuant to the newly discovered antiviral properties of the compound as described in the specification. See pages 27-36.

Claim 65 recites a novel chemical entity of the formula I and corresponds to canceled claim 26 which the Examiner considered "allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." See page 5 of the Office Action. Since the chemical entity at issue has not previously been reported and is provided for in independent claim 65, the Examiner's requirement is henceforth fulfilled.

Claims 66 to 68 provide for a pharmaceutical composition of the compound of claim 65 and methods of using it.

Because of the cancellation of claims 1 to 38, and the amendment hereinabove described, Applicants respectfully urge the Examiner to withdraw all of the objections and rejections previously directed to claims 1 to 38.

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CONCLUSION .

Applicants contend that the new claims 39 to 68 have fully addressed the Examiner's objections and rejections indicated in the July 5, 2006 Office Action and should not raise additional issues. Therefore, this application is in full compliance with all requirements. Accordingly, Applicants respectfully urge the Examiner to place this application in conditions for allowance.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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9/20/06

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Date